

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

ROBERT F. RIGGINS, §  
§  
*Plaintiff*, §  
§  
v. § Civil Action No. SA-10-CV-293-XR  
§  
WELLS FARGO BANK, N.A., OPTION §  
ONE MORTGAGE CO., AMERICAN §  
HOME MORTGAGE SERVICING, INC., §  
HIGHLAND CAPITAL LENDING, INC., §  
ROBERT D VALDESPINO, TROY §  
MARTIN, DEBORAH MARTIN, BRENDA §  
ROLON, KATHLEEN VARGAS, RON §  
BEDFORD, MICHAEL W. ZIENTZ, §  
KATHY SMITH, MARTIN ALLEN, §  
CHARLES RAMSEY, DELBERT §  
WALDRIP, JOHN AND JANE DOES 1- §  
1000, L. KELLER MACKIE, BRANDON §  
WOLF, and FREEDOM LENDING, §  
§  
*Defendants*. §

**ORDER**

On this day, the Court considered Plaintiff's Motion for Reconsideration of the Court's Order Denying Plaintiff's Motion for Default Judgment (Docket Entry No. 28). Having considered the motion and the status of the case, the motion is DENIED.

**Statement of Case.**

Plaintiff Robert F. Riggins, *pro se*, filed suit against multiple Defendants seeking declaratory and injunctive relief. It appears that Riggins is challenging the foreclosure of property and the procedures related to foreclosure.

### **Procedural History**

On June 28, 2010, Plaintiff moved for a default judgment against Defendants L. Keller Mackie, Brandon Wolf, Michael W. Zientz, Robert D. Valdespino, Kathleen Vargas, Brenda Rolon, Ron Bedford, Troy Martin, and Deborah Martin.<sup>1</sup> The Court denied the motion because service had not been executed in accordance with the Federal Rules of Civil Procedure.<sup>2</sup> Plaintiff now moves the Court to reconsider his motion.<sup>3</sup>

### **Analysis**

There is no certificate of service confirming that Defendants L. Keller Mackie, Brandon Wolf, Michael W. Zientz, Robert D. Valdespino, Kathleen Vargas, Brenda Rolon, Ron Bedford, Troy Martin, and Deborah Martin have been served in accordance with the Federal Rules of Civil Procedure. Plaintiff has provided certified mail return receipts for the aforementioned individuals. None of the certified mail receipts were signed by the addressees; therefore none of the defendants were properly served by certified mail. *See Ellibee v. Leonard*, 226 Fed. App'x 351, 355 (5th Cir. 2007) (citing TEX.R. CIV. P. 107; *Ramirez v. Consol. HGM Corp.*, 124 S.W.3d 914, 916 (Tex. App.—Amarillo 2004, no pet.)).

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<sup>1</sup>Pl.'s Mot. for Default J., Jun. 28, 2010 (Docket Entry No. 17).

<sup>2</sup>Order, Jun. 29, 2010 (Docket Entry No. 20).

<sup>3</sup>Pl.'s Mot. to Reconsider the Order of Jun. 29, 2010 [Denying] Pl.'s Mot. for Default J., Jul. 7, 2010 (Docket Entry No. 28).

**Conclusion**

Plaintiff's motion is DENIED.

It is so ORDERED.

SIGNED this 12th day of July, 2010.



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XAVIER RODRIGUEZ  
UNITED STATES DISTRICT JUDGE